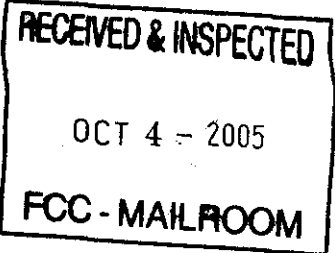




SARAH A. REED

Children's Center



DOCKET FILE COPY ORIGINAL

September 27, 2005

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

REQUEST FOR REVIEW/LETTER OF APPEAL

Re: SARAH REED CHILDREN'S CENTER

Billed Entity Number: 232653
Form Identifier: SRCC
Form 471 Application Number: 478696
Funding Request Number(s): 1345386, 1345742, 1345777
Correspondence Dated: September 19, 2005
Funding Year: 2005
CC Docket Number: 02-6

I am submitting this letter of appeal and supporting documentation requesting review by the FCC of an appeal denial by the SLD's Funding Year 2005 Form 471 Certification for the Application Number indicated above.

On appeal, we sought reversal of the SLD's decision rejecting our Form 471 for failure to sign Block 6, Item 38, of Form 471. The SLD claimed that the signature page of our Form 471 was missing from our original submission, postmarked on February 18, 2005. Upon review of our appeal letter and supporting documentation, the SLD determined that the signature page was missing from our original submission. The SLD stated further that the signature page of the Form 471 certification with our appeal letter dated May 23, 2005 could not be accepted since it was submitted via fax and was postmarked after the filing deadline of February 18, 2005. This last reason seems absurd since this was part of the supporting documentation submitted with our original appeal three days after we received our initial denial notification, dated May 20, 2005.

In our Form 471 Certification Rejection Letter, dated May 20, 2005, the SLD stated the reason for rejection was that we did not meet the Minimum Processing Standards because "The Signature in Block 6, Item 38, of the certification page submitted is blank." Then

No. of Copies rec'd 0
List A B C D E



Joint Commission
on Accreditation of Healthcare Organizations

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after review of our appeal and in the Administrator's Decision on Appeal Letter, dated September 19, 2005, the SLD determined that "the signature page of your Form 471 was missing from your original submission." This shows inconsistencies in arriving at their determination. It is our contention that mishandling or misplacement of this page on SLD's part led to this inconsistency and the rejection of our original application. Our clerical staff had photocopied the original application for our records and included it in our SLD file folder, as they have done with all related correspondence. We are including copies of these and other supporting documentation with this letter of appeal to the FCC. After receipt of our original rejection and denial of appeal letters, we attempted to speak with an SLD administrator handling our application and appeal but were denied. And after the appeal denial, we were denied communication or discussion with the SLD administrator and told that the only avenue was direct appeal to the FCC. We felt that this showed further intransigence on the part of the SLD, especially in light of our meticulous support documentation, their reasoning inconsistencies and our successful completion of the application process in previous years.

We implore the FCC to consider our "Request for Review" and reverse SLD's decision on our original application and our appeal. If you have any questions or require any further information regarding this matter, feel free to contact me at the address or number below. Thank you for your time and consideration of this matter.

Contact information is:

J.R. Farrar
Sarah Reed Children's Center
2445 West 34th Street
Erie, PA 16506
814-838-1954 ext. 385

Sincerely,

A handwritten signature in black ink, appearing to read "J.R. Farrar", with a long, sweeping horizontal line extending to the right.

J.R. Farrar
Director of IT
Sarah Reed Children's Center

enclosures



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

September 19, 2005

J. R. Farrar
Sarah A. Reed Children's Center
2445 West 34th Street
Erie, PA 16506

Re: Applicant Name: SARAH A. REED CHILDREN'S
CENTER
Billed Entity Number: [REDACTED]
Form 471 Application Number: [REDACTED]
Funding Request Number(s): 1345386, 1345742, 1345777
Your Correspondence Dated: May 23, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of [REDACTED] 71 Certification Rejection Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): [REDACTED]

Decision on Appeal: **Denied**

Explanation:

- On appeal, you seek reversal of the SLD's decision to reject your Form 471 for failure to sign and send in your signature page with the rest of the Form 471 pages and provided a copy of the packet on appeal. You request the SLD to approve your Form 471 for certification.
- Upon thorough review of the appeal letter and supporting documentation, it was determined that the signature page of your Form 471 certification was missing from your original submission, postmarked on February 18, 2005, according to the SLD's records. Therefore, your application was correctly rejected by the SLD for failing to meet the Minimum Processing Standards. Although you had

submitted to the SLD the signature page of the Form 471 certification with your appeal letter dated May 23, 2005, it cannot be accepted since it was submitted via fax and was postmarked after the filing deadline of February 18, 2005. You have failed to provide evidence on appeal that SLD has erred in its determination. It is the responsibility of the applicant to ensure all forms are submitted to the SLD in a correct and timely manner.

- The Form 471 that you submitted was not complete because it did not contain the signature certification. As a result, the Form 471 was rejected for failing to meet minimum processing standards. Since you have not shown in your appeal that your Form 471 was improperly rejected or returned, your appeal is denied.
- Your Form 471 was rejected because it did not contain the signature certification. FCC rules require applicants to "submit a completed FCC Form 471 to the Administrator." 47 C.F.R. § 54.504(c). The Form 471 requires applicants to provide the information requested on that form. See Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (*FCC Form 471*). "Every funding year, SLD establishes and notifies applicants of 'minimum processing standards' to facilitate efficient review of the thousands of applications requesting funding." *Request for Review by Sayville Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 5032, DA 03-3637, ¶ 3 (rel. Nov. 14, 2003); FCC Form 471 Instructions, at p. 6-9 (Oct. 2003). "When an applicant submits a Form 471 that omits an item subject to the minimum processing standards, SLD automatically returns the application to the applicant without considering the application for discounts under the program." *Id.*
- The signature certification on the Form 471 "is essential in that it protects the program from fraud and waste, serves as an additional means of holding applicants accountable for their representations, and assists in the efficient administration of the program." *Request for Review of the Decision of the Universal Service Administrator by South Barber Unified School District 255, Changes to the Board of Directors of the National Exchange Carriers Association, Inc.*, CC Dockets No. 96-45- and 97-21, Order, 16 FCC Rcd. 18,435, DA 01-2233 ¶ 6 (rel Oct. 23, 2001). "[F]ailing to submit a signature certification omit[s] the legally binding act that signifies compliance with program rules" and fails to meet minimum processing standards. See *id.*

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure"

posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



SARAH A. REED

Children's Center

USAC – Schools and Libraries Division 888-203-8100
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

LETTER OF APPEAL

I am submitting a letter of appeal to the decision letter that I received dated 5/20/2005 informing that our form did not meet the minimum processing standards. The letter stated that *"The Signature in block 6, Item 38 of the certification page submitted is blank."*

With the letter was a copy of the packet that I sent. However the signature page is missing from this packet. I have a copy of the original signature page that I sent with the original Form 471 and the page is signed appropriately. I am re-submitting the original packet I sent along with the denial letter in hopes of having the decision overturned.

Contact information is:

J.R. Farrar
Sarah Reed Children's Center
2445 West 34th Street
Erie, PA 16506
814-838-1954 x385

Entity number: 232653
Form Identifier: SRCC
471 Application number: 478696

Thank you for your consideration,


J.R. Farrar

5/23/05



Joint Commission

an Accreditation of Healthcare Organizations

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Universal Service Administrative Company
Schools & Libraries Division

FORM 471 CERTIFICATION REJECTION LETTER
FUNDING YEAR 2005 (July 1, 2005 - June 30, 2006)

05/20/2005

CASE #

21-2005-152

JR FARRAR
SARAH A. REED CHILDREN'S CENTER
2445 WEST 34TH STREET
ERIE, PA 16506

Re: Applicant's Form Identifier: SRCC
Form 471 Application Number: 478696

Dear Contact Name:

This letter is your notification that the Certification page of the Form 471, *Services Ordered and Certification Form*, you submitted did not meet Minimum Processing Standards. Therefore we are returning your Form 471 Certification with this letter, which means that the Schools and Libraries Division (SLD) could not process it. Here is an explanation of the specific reason(s) your Form 471 Certification did not meet the Minimum Processing Standards:

- [REDACTED] Signature in Block on Item 38 of the certification page
[REDACTED] [REDACTED]

We recommend that you notify your service provider(s) about this decision.

TO APPEAL THIS DECISION

If you wish to appeal the decision in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - appellant name,
 - applicant name,
 - BEN and/or SPIN,
 - Form 471 Application Number as assigned by the SLD (located at the top of this letter),

- "Funding Year 2005 Form 471 Rejection Letter", AND
- the exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. Please provide a copy of your appeal to the service provider(s) affected by the SLD's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on the web site at www.sl.universalservice.org. Click "Continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

To submit your appeal to the SLD by fax, fax your appeal to (973) 599-6542.

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You must attach a copy of the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: [REDACTED] Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company

Enclosure:

(1) Form 471 Certification

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SLD FORMS
ATTN: SLD Form 471
3833 Greenway Dr.
Lawrence, KANSAS
66046

2. Article Number

(Transfer from service label)

7001 1940 0001 5909 1779

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

FEB 22 2005

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

7001 1940 0001 5909 1779

Postage	\$.60	Postmark: Here
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.65	

Sent To

SLD FORMS, ATTN: SLD Form 471

Street, Apt. No.,

or PO Box No.

City, State, ZIP+4

Lawrence, KANSAS 66046

PS Form 3800, January 2001

See Reverse for Instructions

Phone Number 814 838-1954 Ext.385



Application ID : 478696

Do not write in this area

Entity Number 232653

Applicant's Form Identifier SRCC

Contact Person JR Farrar

Phone Number 814 838-1954 Ext. 385

- 31 ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
- 32 ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- 33 ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
- 34 ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- 35 ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible components as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1), (2).
- 36 ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
- 37 ☒ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38 Signature of authorized person

39 Date

02/18/2005

40 Printed name of authorized person

J. R. Farrar

41 Title or position of authorized person

Director of IT

42a Street Address, P.O. Box, or Route Number

2445 West 34th Street

City

Erie

State Zip Code

PA 16506

42b Telephone number of authorized person

Ext

42c Fax number of authorized person

814 838-1954

385

814 219-2196

42d E-mail address of authorized person

j.farrar@sarahreed.org



Entity Number 232653

Applicant's Form Identifier SRCC

Contact Person JR Farrar

Phone Number 814 838-1954 Ext.385

41 Name of authorized person's employer

Sarah Reed Children's Center

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100



J.R. Farrar
Sarah A. Reed

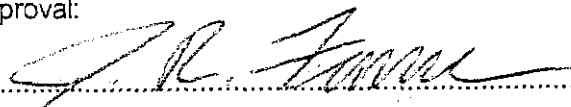
02/17/2005
Quote # 9854hs

SOFTEK/velocity.net
Internet Charges

- T1 Internet (T1 Bandwidth, E-Mail Service, Web Hosting & Maintenance) \$1,778.00 Monthly
- Internet Access 3.0MB/768k DSL (Pre-paid Discount) \$99.00/month..... \$1,188.00 YRC
- Internet Access 3.0MB/768k DSL (Pre-paid Discount) \$49.95/month..... \$ 599.40 YRC
- Internet Access 3.0MB/768k DSL (Pre-paid Discount) \$99.00/month..... \$1,188.00 YRC

Quote Approval:

Signature.....



Date

2/17/2005

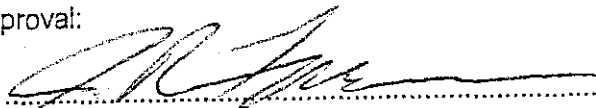
J.R. Farrar
Sarah A. Reed

02/17/2005
Quote #9855hs

SOFTEK / *Velocity.net*
Firewall Installation and Network Maintenance E-rate 2005

SonicWall Pro 3060 Educational Firewall Bundle	\$ 4,295
Maintenance and Technical Support (See Agreement)	\$ 7,500

Quote Approval:

Signature 

Date 2/17/2005

Service and Support Agreement for E-Rate (SSA)

This Service and Support Agreement includes coverage for hardware repairs, technical support, and labor.

Procedure:

The client agrees to pre-pay \$7,500, placed on an account as a credit. Each time service is performed the \$7,500 credit amount is debited.

SSA Contract Commencement Date: _____		1 Year Service Contract	
P.O. Number: _____		Average Hourly Rate: <u>\$75.00</u>	
		Total Contracted Amount: <u>\$7,5000</u>	
Client acknowledges having read this agreement and agrees to be bound by its terms. Client agrees to purchase, and SOFTEK / Velocity.Net agrees to provide, the Service and Support Agreement in accordance with the terms and conditions set forth herein and, for the Initial Term hereof, at the prices set forth by SOFTEK / Velocity.Net.			
Sarah Reed Children's Center		SOFTEK / Velocity.Net, Inc.	
<u>J.P. FAREAK</u>		Joel Deuterman	
Contact Name / Position (Please Print)			
<u>2445 West 34th St</u>		2503 West 15 th Street, Erie, PA 16505	
Billing Address		SOFTEK / Velocity.Net Billing Address	
<u>[Signature]</u>		[Signature]	
Signature		Signature	
<u>2/17/05</u>			
Date		Date	
If your firm is tax exempt, you must attach a copy of your tax exemption certificate to this agreement.			

SSA Terms and Conditions

1) Responsibilities of SOFTEK / Velocity.Net:

This agreement covers all current and new equipment repairs and support questions and consultation. No preexisting problems will be excluded. SOFTEK / Velocity.Net shall maintain the equipment in good operating condition in accordance with the following:

- A) Client site maintenance service will be made available portal to portal to your facility at the hourly block rate.
- B) SOFTEK / Velocity.Net will maintain an adequate level of standard comparable computer parts for repair or replacements (i.e. keyboards, monitors, video boards, I/O ports). Specialty parts can be shipped via client request and billed accordingly.
- C) SOFTEK / Velocity.Net will give same day response when possible. A client that holds an SSA will have response priority over other clients not having an SSA.
- D) SOFTEK / Velocity.Net will offer rental equipment at a daily charge. This rental can be billed against the prepaid service amount.
- E) SOFTEK / Velocity.Net can provide preventative maintenance (i.e. cleaning, complete system diagnostics) at the client site or at our location. This charge can be billed against the prepaid service amount.
- F) SOFTEK / Velocity.Net will provide labor during normal business hours. Emergency response is available. Emergency response is defined as a need or request beyond regular business hours (i.e. evenings, weekends, and holidays). Emergency response is available at a 2:1 labor hour ratio.
- G) SOFTEK / Velocity.Net shall not be liable for delay in furnishing or failure to furnish service if such delay or failure is caused by an act of God, strike, governmental action, manufacture delays, delay or default of carriers, or any cause beyond the reasonable control of SOFTEK / Velocity.Net.
- H) SOFTEK / Velocity.Net will provide the client with a monthly service summary report, which will list a date, location, a brief description of the work performed, an amount of time, parts and/or supplies purchased, and a dollar amount.
Note: If no problems are found when doing service work, the client will still be billed at the discounted labor and on-site charges.

2) Responsibilities of Client:

- A) The client must pay for the SSA in advance.
- B) The client must provide SOFTEK / Velocity.Net with an initial itemized listing of all equipment. This will assist SOFTEK / Velocity.Net to maintain an acceptable response time.
- C) The client has the option of carry-in/pick-up of equipment or an on-site service call at the above rates.
- D) The client is solely responsible for the protection and backup of all data and software used in conjunction with hardware.
- E) The client must provide SOFTEK / Velocity.Net with a listing of authorized dispatchers for service work requested.
- F) The client may schedule a service technician for any block of time in advance, on a regular scheduled basis. (i.e. all day long, every Wednesday, or for five hours every Tuesday morning etc.).

3) Terms:

- A) The Commencement Date is the date SOFTEK / Velocity.Net accepts this agreement.
- B) The average hourly rate may fluctuate due to the customer's request of non-standard services such as those listed below:
 - Web Design \$75/hr (not eligible though E-Rate)
 - Emergency Service - After Normal Business Hours (8am to 6pm, M-F) \$150/hr
 - Security Audit \$100/hr (not eligible though E-Rate)
 - Programming \$125/hr to \$175/hr (not eligible though E-Rate)
 - Specialty/Proprietary Software Support \$125/hr to \$200/hr (not eligible though E-Rate)
- C) At the conclusion of the annual agreement, the number of hours will be compared to the agreed upon number or hours and hourly rate. Adjustments in billing will be made accordingly. If a larger block of hours is achieved prior to the conclusion of the one year, a credit will be issued at that time.
- D) Unless cancelled herein provided, this agreement shall automatically renew for successive terms of twelve months at SOFTEK / Velocity.Net's rates in effect at the time of applicable renewal. Notice of cancellation must be given 30 days prior to the expiration of the term then in effect. Notwithstanding the foregoing, SOFTEK / Velocity.Net may cancel this agreement, in whole or in part, at any time upon 7 days written notice. Any refund due as a result of said cancellation may be applied to any past due invoices. If client cancels the agreement, no refund shall be due by SOFTEK / Velocity.Net.

4) Price:

The client shall pay, in advance, the full amount of the SSA beginning at the commencement of this agreement. There shall be added to this charge an amount equal to all taxes including applicable state and/or sales tax and/or use taxes. If client fails to pay any monies when due: client will also pay upon demand all cost, including reasonable attorney fees, expended in collecting overdue charges, as well as interest on all unpaid charges at the rate of 1.5% per month; and, SOFTEK / Velocity.Net may discontinue maintenance service until all monies owed are paid in full.

5) General:

If a client breaches the terms of this agreement, SOFTEK / Velocity.Net, in addition to any legal remedy it may have, may cancel this agreement effective upon written notice to client.